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PATENT**REMARKS**

Applicants thank the Examiner for the courtesy of a telephone interview on January 10, 2005. During the interview, Applicants' representative James J. Barta, Jr. discussed the patentability of the claims including claim 1 in view of the cited reference Masajiro (Japanese Patent No. 09-185494 A) with Examiner Suryawanshi. In particular, the arguments below were presented. Although the Examiner conceded that the Masajiro reference fails to explicitly disclose a text-based user script, no agreement was reached. No exhibit was shown and no demonstration was conducted.

Applicants have thoroughly considered the Examiner's remarks but respectfully disagree and request further reconsideration of the application in light of the amended claims and the following remarks. Claims 1, 2, 7, 8, 11, 12, 20, 22-24, 28, 31, 36, 37, 39, 45-48, and 54 have been amended by this Amendment B. Claims 1-56 are presented in the application for further examination.

To help illustrate the differences of the claimed invention over the prior art applied by the Examiner, applicants point out that the claimed features of applicants' invention enable a user to not only create a reduced operating system (OS) image by selecting only those components of an OS necessary to enable desired functionality, but also to use the reduced OS image in combination with a user-editable, text-based script to perform functions such as installing another OS on a computer having an architecture greater than 32-bits. In contrast, the cited prior art patent to Masajiro merely provides a method and system for installing an OS and an additional program not included in the OS on a personal computer via an input simulator rather than a user. (See Masajiro paragraph 11). In particular, Masajiro discloses a system and method for performing key or mouse inputting to an OS installer (e.g., to install additional or missing programming) according to an install script in place of the user. The install script of Masajiro is created from install conditions the user selects from a menu. Masajiro fails to teach or suggest the creation or use of a reduced OS, let alone the use of a reduced OS in combination with a user-editable, text-based script to perform functions on a computer. Thus, the prior art devices, as described in detail hereinafter, do not operate (and are not structured to operate) in a manner corresponding to the applicant's claimed invention.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-11, 15, 17-18, 20-40, 42-49, 51, 53, and 54 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Japanese Patent No. 09-185494 A to Masajiro (Masajiro.) However, "a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants submit that each and every element as set forth in the recited claims is not found, either expressly or inherently, in Masajiro. Thus, the cited reference does not anticipate the claims.

Masajiro appears to disclose an input simulator used to add a program to a currently installed OS when, for example, a main program required for the body (e.g., hardware) of a personal computer is not supported by the currently installed OS. The purpose of the Masajiro invention is to make such an installation process easier by installing the additional program automatically, or semi-automatically, via an input simulator rather than requiring a user to specify the required program. (See Masajiro paragraphs 11 and 47). According to Masajiro, an OS installer *installs the OS and the additional program* on a personal computer based on install conditions a user is made to choose from an install menu means (e.g., a front end user interface). Thereafter, an installation script is created from the selected install conditions. The input simulator performs the install conditions according to the created installation script.

In contrast, the reduced OS image of the present invention enables user interaction by providing the user the ability to edit a text-based script to perform functions desired by the user as described in amended independent claims 1, 23, 24, 31, and 37. For example, the user may edit the script to interact with the reduced OS image to install software, to recover from a failed OS installation, to update hardware drivers, to reseat and audit the computer, to execute application programs including other scripts, or to perform any other task. (See application page 5, lines 28-30 and page 6, lines 1-5). To this end, amended independent claims 1, 23, and 24 each recite, in part, "editing, by the user, the text-based script to provide a user-customized, text-based script," and "booting a computer from a reduced operating system image on a computer readable medium." Similarly, amended independent claims 31 and 37 make reference to a "text-based script."

As described and claimed in the present application, providing the user the ability to edit the text-based script allows the user to interact with the reduced operating image to perform various desired functions. For example, amended claim 31 recites a first operating system image with operating system components selected by a user, wherein the first operating system is reduced," and "a second operating system image, said first operating system image being reduced relative to said second operating system image," and "a text-based script file customizable by a user *which interacts with the first operating system image to install the second operating system image on a computer.*" As another example, claim 37 recites "a reduced operating system image with operating system components selected by a user," and "a text-based script file customizable by a user *which interacts with the reduced operating system image to direct recovery from failure of software on the computer.*"

**Masajiro fails to teach or suggest the use of a reduced OS image in combination with a user-customized, text-based script to perform functions on a computer.** In fact, Masajiro teaches away from the invention by apparently disclosing a user interface for creating a conventional, binary installation script and makes no mention whatsoever of a text-based script that is editable by a user.

The distinctions between the Masajiro reference and the present application are made clearer by claims 39, 46, and 47. The present application discloses a system and method as described in amended independent claims 39, 46, and 47 for creating a reduced OS image by allowing a user to select a set of OS components from a plurality of available OS components. The selected set of OS components are installed as the reduced OS image on a computer readable medium (CRM) such as a CD-ROM. As described in the present application, a typical, full OS image requires a significant amount of space on a mass storage device such as a hard disk drive, and this significant disk space requirement renders the typical OS image inefficient for situations where only limited functionality is required of the OS image. In addition, the significant disk space requirement and the need for read-write access to the mass storage device may prevent the typical, full OS image from residing on a single read-only, computer-readable medium. (See application page 1, lines 1-14). The present application discloses a method and system for providing at least one application program and necessary modifications to OS components to create a bootable, reduced OS image from an

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installation OS image. (See application page 5, lines 16-20). Advantageously, the OS image is reduced with regard to functionality and/or size of a fully installed, installation OS image. **Masajiro fails to teach or suggest the creation of such a reduced OS image.**

As such, Masajiro cannot anticipate each and every element as set forth in amended independent claims 1, 23, 24, 31, 37, 39, 46, and 47.

#### Response to Claim Rejections Under 35 U.S.C. §103

Claims 12-14, 16, 19, 41, 50, 52 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masajiro. As discussed above, Masajiro fails to teach or suggest a **reduced OS image** or a user-editable, text-based script as described and claimed and in the present application. In addition, applicants submit that the OS installer disclosed in the cited art teaches away from the reduced OS image as described and claimed in the present invention, and, thus, prima facie obviousness has not been established. (See MPEP 2141.02) Advantageously, the OS installer is a program, not an OS image. A program is significantly different from an OS image in numerous ways including, but not limited to, function, form, and design. Further, an operating system is the foundation upon which applications depend. The OS installer in the Masajiro reference does not disclose or suggest an OS image, let alone a reduced OS image. As such, claims 1, 23, 24, 31, 37, 39, 46, and 47 are not obvious in view of the cited reference.

#### **SUMMARY AND CONCLUDING REMARKS**

In view of the foregoing, applicants submit that amended independent claims 1, 23, 24, 31, 37, 39, 46, and 47 are allowable over the cited art. The remaining dependent claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. If the Examiner feels, for any reason, that a personal

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interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



James J. Barta, Jr., Reg No. 47,409  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400